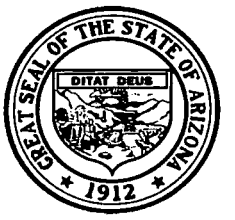
DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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INVESTIGATIVE DIVISION REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: Investigative Division

RE: Case: 19-82
Complainant(s): Arizona State Veterinary Medical Examining Board
Respondent(s): Laura Waters, DVM (License: 6815)

SUMMARY:
Complaint Received at Board Office: 5/15/19
Board Discussion: 5/19/21

APPLICABLE STATUTES AND RULES:
Laws as Amended August 2018 (Lime Green); Rules as Revised September 2013 (Yellow).

On April 25, 2019, the Board office received information from DEA regarding Dr. Waters' conduct while practicing in Washington regarding allegations of a pet owner diverting controlled substance that were prescribed to his dog from 2013 - 2016.

Shortly after the incident occurred, Dr. Waters sold her practice, applied for licensure in Arizona and became licensed in Arizona in September 2016.

In April 2019, due to the investigation of the incident, DEA requested Dr. Waters surrender her DEA Registration; Dr. Waters complied. The State of Washington investigated Dr. Waters and her involvement with the possible diversion of controlled substances.

In April 2021, the Board office received information that the State of Washington and Dr. Waters came to an Agreement; twelve months to obtain 11 hours of continuing education and pay a $5,000 fine.

PROPOSED 'FINDINGS of FACT':

1. On April 25, 2019, the Board office received information from DEA regarding Dr. Waters' conduct while practicing in Washington.

The information contains allegations that from January 2013 – July 2016, Dr. Waters may have unnecessarily prescribed Tramadol, Gabapentin and Morphine to a dog with no explanation for treatment documented in the dog's medical records.

Multiple prescriptions of Morphine were being provided for the dog with no entries in the medical record to indicate what was being treated, according to DEA's DVM expert that reviewed the case.

In July 2016, the dog's owner died. The opinion of the medical examiner was that the individual's death was likely due to acute pneumonia. However, there was a morphine concentration that was in a potentially fatal range. It was likely even higher at the time pneumonia developed and thus was considered a contributing factor.

In August 2016, the daughter of the dog's owner informed Dr. Waters' premise that her father had recently died and that he had been taking the Morphine tablets, not the dog.

2. Shortly after the incident occurred, Dr. Waters sold her practice and applied for licensure in Arizona.

3. On September 14, 2016, Dr. Waters became licensed in Arizona.

4. On April 24, 2019, due to the information received, Tucson DEA visited Dr. Waters and requested she surrender her DEA Registration; Dr. Waters complied.

5. On April 29, 2019, the matter was discussed with Investigator Correa at the Washington State Department of Health, who stated that he has investigated this matter and submitted his case for review to their Board in early February 2019. Any and all public records were requested from their office and was advised that the Board was still contemplating its next action in the matter and would supply the information gathered regarding the case on or before October 28, 2019.

6. On May 1, 2019, Seattle DEA advised that no other action has been taken in this case yet but the matter has been presented to the US Attorney's Office for consideration.

7. On May 15, 2019, the Board voted to open an investigation regarding Dr. Waters' conduct.

8. On May 22, 2019, Dr. Waters was sent a letter notifying her of the Board's open investigation.

9. On June 7, 2019, Dr. Waters responded to the investigation.

10. On June 19, the Board voted to table the matter to a future Board meeting to get an update from Dr. Waters' legal counsel.

11. At the August 21, 2019, Board meeting, the Board voted to pend the investigation until information was received from Washington State Department of Health regarding the matter.

12. Multiple emails were made over the next two (2) years to the staff attorney at Washington State Department of Health Office of Investigative & Legal Services requesting updates on Dr. Waters' case.

13. On April 5, 2021, Supervising Staff Attorney at Washington State Department of Health Office of Investigative & Legal Services, Ms. Kirschenman, was contacted; she advised that an agreement had been reached and the Agreed Order would be posted on their website within a few days.

14. A couple days later the Agreed Order was retrieved from Washington State Department of Health's website. Dr. Waters was found in violation of:

- *CW 18.130.180:*
  - *(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed; and*
  - *(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice.*

- *WAC 246-933-320 (7) (h) Records:*
  - *(i) A short history of the animal's condition as it pertains to its medical status.*
  - *(ii) Physical examination findings and any laboratory or other diagnostic tests performed or recommended.*
  - *(iii) Provisional or final diagnosis.*
  - *(iv) Treatment administered or recommended.*
  - *(v) Dosage and route of medications administered, prescribed or dispensed.*
  - *(vii) Description of surgery performed.*

15. Dr. Waters' Washington veterinary license was restricted – prohibiting her from prescribing controlled substances. Additionally, within twelve (12) months, Dr. Waters was Ordered to complete eleven (11) hours of continuing education; seven (7) hours in the area of prescribing controlled substances with at least four (4) of those hours related to preventing drug diversion and four (4) hours of continuing education in client communication. Dr. Waters was also Ordered to pay a fine of $5,000 within twelve (12) months of he effective date of the Agreed Order.

16. On April 14, 2021, a Letter of Inquiry was sent to Dr. Waters requesting an updated statement with respect to the open investigation.

17. On April 23, 2021, Dr. Waters submitted a response outlining the Agreed Order, her intent to

comply and eventually have the controlled substance prescribing restriction lifted. She is currently practicing at the VCA Animal Hospital in Tucson and has had no complaints. Dr. Waters relayed that she did not take the easy way out with respect to the Washington complaint. Despite moving to Arizona, she continued to defend herself in Washington and is prepared to fully comply with their disciplinary Order.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division

Gmail by Google

Tracy Riendeau <tracy.riendeau@vetboard.az.gov>

Fwd: Laura Waters, DVM to AZ State Board

1 message

received 6/7/19

Laura Waters [redacted] Fri, Jun 7, 2019 at 3:36 PM
To: tracy.riendeau@vetboard.az.gov

---------- Forwarded message ---------
From: **Laura Waters** [redacted] >
Date: Fri, Jun 7, 2019 at 2:54 PM
Subject: Laura Waters, DVM to AZ State Board
To: L. William Locke <wlocke@foum.law>

You have asked me to explain the case of Annie Hill. I saw Annie as a patient in 2008, she was a very scared black lab. Her owners were Sharlene and Waylen Hill. It was at Peninsula Pet Hospital in Gig Harbor WA. In 2011 Annie started having strange behaviors at home. I was never able to observe these behaviors. The owners described the behavior as a sudden biting at her legs. Not like an allergy lick and chew but Mr. Hill said she was in pain. I tried to first use Rimadyl and that did not help her biting behaviors. Tramadol and Gabapentin followed. However, no improvement according to owner. I also tried Fluoxetine orally and it seemed to help for a short time, then the behavior came back according to the owner. I even kept the pet for a day in the clinic to observe. I recommended a neurologist and after discussing it, Mrs. Hill came into the clinic and said there were too many negatives going to the neurologist. I could not convince her. A dermatologist was also suggested.

After this in 2013, Mr. Hill came back with Annie after traveling to New Mexico where he had a friend who was a vet tech. He went to a clinic there he said and they tried morphine and Annie was better! I was skeptical as morphine orally only is supposed to be 30% effective in dogs. I used it in premedications as injectable but I had never used it as an oral product. I did not have oral morphine so I agreed to script the morphine out to a human pharmacy. I felt this was a second control for this controlled medication. The dog continued to improve, no more biting and skin stayed totally clear. Coat improved. I was remiss a couple of times when the owner said her trailer burned and the meds were lost and once when owner was going out of town. I also kept bringing the dose back down as owner would say he needed to increase it sometimes. I felt that this owner was a legitimate concerned owner. He was clean cut and appeared educated. Gig Harbor is a very upscale little city. I never once thought this client was abusing medication. I spoke recently to a technician who worked for me back then and she was very shocked to find out Mr. Hill was taking the medication. We never suspected.

I am very conscientious as a Veterinarian. I feel the that I do listen to the owners and try to help their pets. Like a pet with seizures, I do not always see the pet in the act of a seizure. But I treat the condition . I also have to listen to the owners whether the medications are helping or not I felt like this is what I was doing with Annie.

I hope I have answered your questions to your satisfaction. I relinquished my DEA license because the Agents said it would show I was helping the case in WA not hindering it. I have never had even a Board complaint in the 29 years that I have been a Veterinarian and PLITT does not offer legal advice about the DEA license. So, I wish I would have gone to a hearing about my DEA instead of relinquishing it, but hindsight is always 20-20.

Please feel free to ask any question, I will await your next contact.

Thank you. Dr. Laura Waters